



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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No. 356 Dispur, Monday, 7th August, 2023, 16th Sravana, 1945 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
INDUSTRIES, COMMERCE AND PUBLIC ENTERPRISE DEPARTMENT

NOTIFICATION

The 12th July, 2023

ECF No. 300654/219.- The following rules which the Governor of Assam proposes to make in exercise of the powers conferred by sub-section (1) and (2) of section 11 of the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act 2020, is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said rules shall be taken into consideration after the expiry of a period of 30 (thirty) days from the date of publication of this notification in the Official Gazette;

Any objections or suggestions which may be received from any individual or organization with respect to the said rules before the expiry of the period specified above, shall be considered by the Governor of Assam;

Objections or suggestions, if any, may be addressed to the Secretary to the Government of Assam, Industries, Commerce & PE Department, C-Block, 2nd Floor, Janata Bhawan, Guwahati, 781006 or by email at investmentcell77@gmail.com.

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|------------------------------|-----|---|
| Short title and commencement | 1. | (1) These rules may be called the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Rules, 2023. |
| | (2) | They shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2. | (1) In these rules, unless the context otherwise requires,-
(a) “Act” means the Assam Micro, Small or Medium Enterprise (Facilitation of Establishment and Operation) Act, 2020; |

- (b) **“Authorized Officer”** means a person authorized by the Nodal Agency for carrying out the functions assigned under these rules;
- (c) **“Commencement of commercial operation”** means the date on which the enterprise issues the first bill of supply or invoice or tax invoice of the goods manufactured or services rendered in the Declaration of Intent furnished under these rules;
- (d) **“Declaration of Intent”** means the declaration furnished by any person who intends to start an enterprise as provided in sub-section (1) of section 5 of the Act;
- (e) **“Form”** means the form appended to these rules;
- (2) Words or expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.
- Manner of filling Declaration of Intent and Procedure for Grant of Acknowledgement Certificate
3. (1) Every enterprise who intends to start a enterprise shall furnish to the Nodal Agency a Declaration of Intent in Form-I as per sub-section (1) of section 5 of the Act.
- (2) The Declaration of Intent shall be submitted by-
- (a) the Proprietor, in case of a proprietary enterprise;
- (b) the Authorized Partner, in case of a partnership; and
- (c) the Authorized Person, in case of other forms of enterprises, who is not less than the rank of Managing Director or Chief Executive Officer.
- (3) In cases where an enterprise commercially operates out of more than one premise, a separate Declaration of Intent shall be submitted for each such premise.
- (4) Only actual owner of land or one holding lease rights over land can file a Declaration of Intent.
- (5) After on receipt of the Declaration of Intent, the Nodal agency shall issue an Acknowledgement Certificate to the applicant enterprise as per sub-section (2) of section 5 in Form-II.
- (6) At the time of establishment of the enterprise and during its operation, the unit shall comply with all the provisions

of the Act, rules made thereunder. In the event of failure of the enterprise to comply with the provisions of the Acts and rules applicable to it, the Acknowledgement Certificate issued to the enterprise shall stand cancelled.

- (7) If the enterprise is found to carry out any activity other than that mentioned in the Acknowledgement Certificate, the Acknowledgement Certificate shall stand cancelled.
- (8) If the enterprise violates the condition of Acknowledgement certificate it shall be open to the Competent Authority to take legal action against such enterprise under relevant laws in force.
- (9) The enterprise cannot deviate from the land use specified in the Master Plan notified by the concerned Development Authority, in respect of use of land wherever such plan is in force.
- (10) Once an Acknowledgement Certificate is issued, the enterprise shall not be required to obtain any permission, clearance, consent, approval, registration, licensing, no objection etc. under any other laws of the state for establishing an enterprise except for No Objection Certificates relating to fire safety and for power connection.

No-objection
Certificate

4. (1) Every person or enterprise who intends to set up an Industrial Unit in the "Notified Industrial Area" or "Deemed Industrial Area" shall apply for necessary clearances or permissions or No Objection Certificates (NOC) through the Ease of Doing Business portal as under sub-section (3) of section 4 in Form - III.
- (2) On receipt of the application form of No Objection Certificate (NOC), the Designated Officer shall issue the No Objection Certificate (NOC) to the enterprise or person as per clause (iii) of sub-section (3) of section 4 in FORM-IV.

This Notification shall come into force with immediate effect.

ADIL KHAN,

Secretary to the Government of Assam,
Industries, Commerce and Public Enterprises Department.

FORM –I
[See rule 3(I)]
Declaration of Intent

(Under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020)

DETAILS OF APPLICANT	
Name of Applicant	
Gender	Male/ Female/Others
Social category	General/ SC/ ST/ OBC/ Others
COMMUNICATION ADDRESS OF APPLICANT	
Address	
Plot No/ House No.	
Name of premise/ building	
Road/ Street/ Lane	
Area Locality	
Village/Town/City	
Post Office	
District	
State	
PIN Code	
CONTACT DETAILS OF APPLICANT	
Mobile Number	
Telephone	
Email ID	
DETAILS OF PROPOSED ENTERPRISE	
Name of the Undertaking/ Enterprise	
PAN/TAN	
GST No.	
Major Activity of Enterprise	Manufacturing/ Service
Product to be Manufactured/ Service to be rendered (in details) (use of separate sheet if necessary, duly signed)	1. 2. 3.
Category of Enterprise	Micro/Small/Medium**
Type of organization	Proprietary/Hindu undivided family (HCF)/partnership/cooperative/private limited/LLP/Self-help group/others
Proposed Investment in Plant and Machinery/ Equipment (in Lakh)	
Proposed Total Cost (in Lakh)	
Proposed Employment (Nos.)	
LOCATION OF MANUFACTURING/ SERVICE ACTIVITY OF ENTERPRISE	
Classification of Geographical Area	Rural/ Urban
Land	Own/ Lease Hold from private owner/ Lease hold from Government Agency
In case of Lease hold from Government Agency	
Name of the Agency	
Name of the Industrial Infrastructure	
In case of Own/ Lease Hold from private owner	
Dag No.	

Patta No.	
Category of Land	Agricultural/ Non-Agricultural/ Industrial
Revenue Village	
Revenue Circle	
Village/Town/City	
Name of premise/ Building	
Road/ Street/ Lane	
Area of Locality	
District	
PIN code	

**** -Category of Manufacturing Enterprises and Service rendering Enterprises**

Investment in Plant and Machinery or equipment and Annual Turnover		
Micro	Small	Medium
Not more than Rs.1 Crore and Annual Turnover not more than Rs. 5 Crore	Not more than Rs.10 Crore and Annual Turnover not more than Rs. 50 Crore	Not more than Rs.50 Crore and Annual Turnover not more than Rs. 250 Crore

Declaration:

1. I/ We certify that the information furnished in Declaration of Intent under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020 and the rules made thereunder is true, correct and complete to the best of my/ our knowledge and belief and no material information has been concealed.
2. I/ We have read all the provisions of the Assam Micro Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020 and the rules made thereunder and undertake to abide by them.
3. I/ We am/ are aware that this Act does not affect the restriction on sale or transfer of Agriculture Land for Non-Agriculture purpose as protected by the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015. I/ We am/ are also aware that this Act does not allow any person to buy or sell any Agricultural Land for Non- Agricultural purpose. The bar of Agricultural land use or transfer for Non- Agriculture purpose as provided under the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015 shall remain as it is and this Act will not affect it at all.
4. I/ we declare that I / we will not make any deviation to the land use specified in the Master Plan wherever such plan is in force.
5. I/ we declare that the proposed land does not fall under restricted categories viz.- Public Grazing Reserve (PGRs), Village Grazing Reserves (VGRs), Wetlands, Heritage, Historical, Archaeological Sites and land settled, allotted or reserved for religious institutions like Sattras, Namghars, Temples, Wakfs, Land under Tribal Belts and Blocks etc.
6. I/ We are furnishing the Declaration of Intent for the enterprise which is a new enterprise as per definition provided in the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020.
7. I/ We have not previously availed the Acknowledgement Certificate for the land or building or premises as mentioned in "Location of Manufacturing/ Service Activity of Enterprise" in Declaration of Intent.
8. I/ We shall maintain the safety standards in the operation of the enterprise to ensure the safety and health of the workers and employees as per different sections of the Factory, Boiler, Labour and other relevant Acts and rules.
9. I/ We shall not engage in any manufacturing or service activity which is prohibited under any law or require special permission or which may cause a serious threat to environment, public health or law and order.
10. I / we declare that the products to be manufactured by us and the location of the enterprise does not fall under hazardous or eco sensitive as defined under The Environment (Protection) Act, 1986 or similar other acts as applicable.

11. I/we shall abide by all the Acts/Rules/Regulations of the Government of Assam, Regulatory bodies and other component authority(s), Central Government and operation during the establishment of enterprise.
12. I/ we will declare that I/ we will deposit the statutory fee under the provisions of different Acts and rules as required for operation of my enterprise.
13. I/ we declare that I/ we shall obtain all the statutory certificate/ permissions/ approvals required under different Acts and rules to operate the enterprise within 3 years 6 months of receipt of the Acknowledgement Certificate.
14. I/ we declare that the Nodal Agency may terminate the Acknowledgement Certificate in case of violation of any Law/ Act in force and for concealment of information furnished above.
15. I / we declare that I /we will strictly abide by all the provision of the Assam Agricultural Land (Regulation of Reclassification and Transfer for Non-Agricultural Purpose) Act, 2015.
16. I/ we declare that I/we shall fully comply with all applicable Labour Laws and ensure applicable labour welfare measures.
17. I/we declare that I/we will take adequate fire safety and environmental measures as required by the Law.

Date :-

Name :-

Place :-

Designation :-

FORM –II
[See rule 3(2)]
Acknowledgement Certificate
(Under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020)

M/S.....has filed a Declaration of Intent under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020 to set up a.....Manufacturing/Service) enterprise. The receipt of the Declaration of Intent for the enterprise is hereby acknowledged with following details:

Acknowledgement Certificate	
Acknowledgement Number	
Date of Acknowledgement	
Validity of Acknowledgement	
Name of the Enterprise	
Type of Organization	
Official Address of Enterprise	
Location of Manufacturing/Service Activity of Enterprise	
Category of Enterprise	
Major Activity of Enterprise	
Product(s) to be Manufactured/Service(s) to be rendered	

The Acknowledgement Certificate is issued under the provisions of section 5(2) of the said Act and is valid for a period of three years from the date of issue.

Nodal Agency

FORM –III
APPLICATION FORM FOR NO OBJECTION CERTIFICATE
[See rule 4(1)]

(Under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020)

DETAILS OF APPLICANT	
Name of Applicant	
Gender	Male/ Female/Others
Social category	General/ SC/ ST/ OBC/ Others
COMMUNICATION ADDRESS OF APPLICANT	
Address	
Plot No/ House No.	
Name of premise/ building	
Road/ Street/ Lane	
Area Locality	
Village/Town/City	
Post Office	
District	
State	
PIN Code	
CONTACT DETAILS OF APPLICANT	
Mobile Number	
Telephone	
Email ID	
DETAILS OF PROPOSED ENTERPRISE	
Name of the Undertaking/ Enterprise	
PAN/TAN	
GST No.	
Major Activity of Enterprise	Manufacturing/ Service
Product to be Manufactured/ Service to be rendered (in details) (use of separate sheet if necessary, duly signed)	1. 2. 3.
Category of Enterprise	Micro/Small/Medium**
Type of organization	Proprietary/Hindu undivided family (HCF)/partnership/cooperative/private limited/LLP/Self-help group/others
Proposed Investment in Plant and Machinery/ Equipment (in Lakh)	
Proposed Total Cost (in Lakh)	
Proposed Employment (Nos.)	
LOCATION OF MANUFACTURING/ SERVICE ACTIVITY OF ENTERPRISE	
Classification of Geographical Area	Rural/ Urban
Land	Own/ Lease Hold from private owner/ Lease hold from Government Agency
In case of Lease hold from Government Agency	
Name of the Agency	
Name of the Industrial Infrastructure	
In case of Own/ Lease Hold from private owner	
Dag No.	

Patta No.	
Category of Land	Agricultural/ Non-Agricultural/ Industrial
Revenue Village	
Revenue Circle	
Village/Town/City	
Name of premise/ Building	
Road/ Street/ Lane	
Area of Locality	
District	
PIN code	

FORM –IV
No Objection Certificate
[See rule 4(2)]
(Under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020)

M/S.....has filed a Declaration of Intent under the Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020 to set up a.....Manufacturing/Service) enterprise.

This No Objection Certificate is issued under section 4(2)(3)(iii) of the said Act thereby granting permission of the above mentioned unit to carry on regular business activities as per information provided for a period of three years without obtaining any other approvals/permissions as may be required under any Act/Rules/Guidelines of any other Department of Government of Assam except for Revenue & Disaster Management and Power Department.

Acknowledgement Number	
Date of Acknowledgement	
Validity of NoC	
Name of the Enterprise	
Type of Organization	
Official Address of Enterprise	
Location of Manufacturing/Service Activity of Enterprise	
Category of Enterprise	
Major Activity of Enterprise	
Product(s) to be Manufactured/Service(s) to be rendered	

This No Objection Certificate, issued under the provisions of section 4(3)(iii) of Assam Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2020 is valid for a period of three years from the date of issue.

Nodal Agency